



General Assembly

Amendment

February Session, 2012

LCO No. 5287

SB0027005287SD0

Offered by:

SEN. DOYLE, 9th Dist.

SEN. WITKOS, 8th Dist.

REP. TABORSAK, 109th Dist.

To: Subst. Senate Bill No. 270

File No. 239

Cal. No. 195

"AN ACT CONCERNING CONSUMER PROTECTION."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2012*) (a) As used in this
4 section:

5 (1) "Cardholder" means any person who presents a driver's license
6 or an identity card to a seller or seller's agent or employee, to purchase
7 or receive a smoking device from such seller or seller's agent or
8 employee;

9 (2) "Identity card" means an identification card issued in accordance
10 with the provisions of section 1-1h of the general statutes;

11 (3) "Smoking device" means any item intended for use or designed
12 for the purpose of smoking tobacco or herbal products. Smoking

13 devices include, but are not limited to, metal, wooden, acrylic, glass,
14 stone, plastic, ceramic, electric or air-driven pipes, water pipes,
15 carburetion tubes and devices, smoking and carburetion masks, roach
16 clips, rolling papers, chillums, bongs, ice pipes or chillers;

17 (4) "Transaction scan" means the process by which a seller or seller's
18 agent or employee checks, by means of a transaction scan device, the
19 validity of a driver's license or an identity card; and

20 (5) "Transaction scan device" means any commercial device or
21 combination of devices used at a point of sale that is capable of
22 deciphering in an electronically readable format the information
23 encoded on the magnetic strip or bar code of a driver's license or an
24 identity card.

25 (b) No person shall sell a smoking device to any person under
26 eighteen years of age. Any person who violates this subsection shall be
27 fined not more than two hundred dollars for the first offense, not more
28 than three hundred fifty dollars for a second offense within an
29 eighteen-month period, and not more than five hundred dollars for
30 each subsequent offense within an eighteen-month period.

31 (c) (1) In any prosecution against a seller or seller's agent or
32 employee for a violation of subsection (b) of this section, it shall be an
33 affirmative defense that all of the following occurred: (A) A cardholder
34 attempting to purchase a smoking device presented a driver's license
35 or an identity card to the seller or seller's agent; (B) a transaction scan
36 of the driver's license or identity card that the cardholder presented
37 indicated that the license or card was valid; and (C) the smoking
38 device was sold to the cardholder in reasonable reliance upon the
39 identification presented and the completed transaction scan.

40 (2) In determining whether a seller or seller's agent or employee has
41 proven the affirmative defense provided by subdivision (1) of this
42 subsection, the trier of fact in such prosecution shall consider that
43 reasonable reliance upon the identification presented and the
44 completed transaction scan may require a seller or seller's agent or

45 employee to exercise reasonable diligence and that the use of a
46 transaction scan device does not excuse a seller or seller's agent or
47 employee from exercising such reasonable diligence to determine the
48 following: (A) Whether a person to whom the seller or seller's agent or
49 employee sells the smoking device is eighteen years of age or older;
50 and (B) whether the description and picture appearing on the driver's
51 license or identity card presented by a cardholder is that of the
52 cardholder.

53 (d) A smoking device held as evidence in a prosecution under
54 subsection (b) of this section shall be destroyed upon the final
55 disposition of such prosecution.

56 Sec. 2. Subsection (b) of section 51-164n of the 2012 supplement to
57 the general statutes is repealed and the following is substituted in lieu
58 thereof (*Effective October 1, 2012*):

59 (b) Notwithstanding any provision of the general statutes, any
60 person who is alleged to have committed (1) a violation under the
61 provisions of subsection (b) of section 1 of this act, section 1-9, 1-10, 1-
62 11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63,
63 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-
64 170aa, 12-292 or 12-326g, subdivision (4) of section 12-408, subdivision
65 (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487,
66 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124,
67 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section
68 13b-42, section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-
69 410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412,
70 section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-
71 27a, subsection (e) of section 14-34a, subsection (d) of section 14-35,
72 section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66,
73 section 14-66a, 14-66b or 14-67a, subsection (g) of section 14-80,
74 subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-103a, 14-
75 106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as
76 specified in subsection (f) of section 14-164i, section 14-219 as specified
77 in subsection (e) of said section, subdivision (1) of section 14-223a,

78 section 14-240, 14-249, 14-250 or 14-253a, subsection (a) of section 14-
79 261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or
80 14-279, subsection (e) of section 14-283, section 14-291, 14-293b, 14-
81 296aa, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a,
82 subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection
83 (a) of section 15-115, section 16-256, 16-256e, 16a-15 or 16a-22,
84 subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149,
85 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734,
86 subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-
87 87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107,
88 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301,
89 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502,
90 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or 20-324e, section 20-341l,
91 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-
92 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,
93 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-
94 79, section 21a-85, 21a-154 or 21a-159, subsection (a) of section 21a-
95 279a, section 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38,
96 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89,
97 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-320h,
98 22-324a, 22-326 or 22-342, subsection (b), (e) or (f) of section 22-344,
99 section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-
100 246, subsection (a) of section 22a-250, subsection (e) of section 22a-
101 256h, section 22a-381d, 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b,
102 subsection (a) or (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21,
103 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97,
104 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-
105 224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-143o, 29-143z or 29-
106 156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y,
107 29-161z, 29-198, 29-210, 29-243, 29-277, subsection (c) of section 29-291c,
108 section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12,
109 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36,
110 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or
111 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75,
112 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section

113 31-288, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision (13) or
 114 (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-
 115 47, 49-8a, 49-16 or 53-133, or section 53-212a, 53-249a, 53-252, 53-264,
 116 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-
 117 450, or (2) a violation under the provisions of chapter 268, or (3) a
 118 violation of any regulation adopted in accordance with the provisions
 119 of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance,
 120 regulation or bylaw of any town, city or borough, except violations of
 121 building codes and the health code, for which the penalty exceeds
 122 ninety dollars but does not exceed two hundred fifty dollars, unless
 123 such town, city or borough has established a payment and hearing
 124 procedure for such violation pursuant to section 7-152c, shall follow
 125 the procedures set forth in this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section
Sec. 2	<i>October 1, 2012</i>	51-164n(b)